
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No.

1088Session of
1919.

INTRODUCED BY MR. STARK, MARCH 25, 1919.

**REFERRED TO COMMITTEE ON PUBLIC ROADS,
MARCH 25, 1919.**

AN ACT

To amend section eight of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of Commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State

Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated town with Commonwealth governing same providing for the minimum

width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act"

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *section eight of an act approved the thirty-first day of*
5 *May one thousand nine hundred and eleven (Pamphlet*
6 *Laws four hundred sixty-eight) entitled "An act providing*
7 *for the establishment of a State Highway Department by*
8 *the appointment of a State Highway Commissioner two*
9 *Deputy State Highway Commissioners chief engineer chief*
10 *draughtsman superintendents of highways and a staff of*
11 *assistants and employes defining their duties and the jur-*
12 *isdiction of the State Highway Department and fixing sal-*
13 *aries of Commissioner and deputies and other appointees*
14 *providing for taking over from the counties or townships*
15 *of the Commonwealth certain existing public roads connect-*
16 *ing county seats principal cities and towns and extending*
17 *to the State line describing and defining same by route*
18 *numbers as the State Highways of the Commonwealth pro-*
19 *viding for the improvement maintenance and repair of said*

1 State Highways solely at the expense of the Common-
2 wealth and relieving the several townships or counties
3 from any further obligation and expense to improve or
4 maintain the same and relieving said townships or coun-
5 ties of authority over same requiring boroughs and incor-
6 porated towns to maintain certain State Highways wholly
7 and in part requiring the State Highway Commissioner to
8 make maps to be complete records thereof conferring au-
9 thority on the State Highway Commissioner providing for
10 the payment of damages in taking of property or other-
11 wise in the improvement thereof providing for purchase or
12 acquiring of turnpikes or toll roads forming all or part of any
13 State Highway and procedure therein providing for work of
14 improvement of State Highways to be done by contract
15 except where the State Highway Commissioner decides the
16 work be done by the State providing aid by the State
17 to counties and townships desiring the same in the im-
18 provement of township or county roads defining highways
19 and State-aid highways providing method of application for
20 State aid in the improvement maintenance and repair of
21 township or county roads and prescribing the contents of
22 township county borough or incorporated town petitions
23 providing for percentage of cost of improvement or repairs
24 to be paid by State county township borough or incor-
25 porated town and requiring contracts by counties townships
26 boroughs and incorporated towns with Commonwealth govern-
27 ing same providing for the minimum width of State High-
28 ways and State-aid highways and kind of materials to
29 be used in the improvement providing for payment of cost

1 of improvement and repairs providing penalty for injuring
2 or destroying State Highways making appropriations to carry
3 out the provisions of the act and providing for the re-
4 peal of certain acts relating to Highway Department and
5 improvement of roads and of all acts or parts of acts
6 inconsistent herewith and providing that existing contracts
7 are not affected by provisions of this act" which reads
8 as follows

9 "Section 8 Whenever in the construction reconstruction
10 maintenance and repair of any of the State Highways it
11 shall appear to the Commissioner that any part or por-
12 tion of a State Highway as now defined and described
13 in this act is dangerous or inconvenient to the traveling
14 public in its present location either by reason of grades
15 dangerous turns or other local conditions or that the ex-
16 pense to the Commonwealth in the construction building
17 rebuilding maintenance and repair thereof would be too
18 great or unreasonable and could be materially reduced or
19 lessened by a divergence from the road or route the
20 Commissioner is hereby empowered to divert the course or
21 direction of same and he may diverge from the line or
22 route of same as herein described in such direction or
23 directions as in his discretion may seem best in order
24 to correct said danger or inconvenience or lessen the cost
25 to the Commonwealth Provided That the said commissioner
26 shall first submit a plan of the proposed change to the
27 Governor and that the same shall be approved by him
28 is hereby amended to read as follows.

1 Section 8 Whenever in the construction reconstruction
2 maintenance and repair of any of the State Highways it
3 shall appear to the commissioner that any part or por-
4 tion of a State Highway as now defined and described
5 in this act is dangerous or inconvenient to the traveling
6 public in its present location either by reason of grades
7 dangerous turns or other local conditions or that the ex-
8 pense to the Commonwealth in the construction building
9 rebuilding maintenance and repair thereof would be too
10 great or unreasonable and could be materially reduced or
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13 direction of same and he may diverge from the line or
14 route of same as herein described in such direction or
15 directions as in his discretion may seem best in order
16 to correct said danger or inconvenience or lessen the cost
17 to the Commonwealth Provided That the said commissioner
18 shall first submit a plan of the proposed change to the
19 Governor and that the same shall be approved by him

20 Whenever the commissioner or supervisors of any town-
21 ship through which the route of a State Highway is
22 located desire to have the route through their township
23 changed so as to follow a course which is not a pub-
24 lice highway in such cases the commissioners or super-
25 visors may petition the State Highway Commissioner rep-
26 resenting the facts and the reasons for such change also
27 describing by course and distances the proposed new route
28 Thereupon it shall be the duty of the State Highway
29 Commissioner to investigate the proposed change and if it

1 meets with his approval to notify the supervisors or com-
2 missioners in writing under his hand and seal stating his
3 conclusions

4 In those cases where the proposed change in the route
5 meets with the approval of the State Highway Commis-
6 sioner the proposed new route may be laid out and
7 opened as a public highway under existing laws and
8 thereupon it shall be taken over by the State Highway
9 Department as a part of the State highway system